

APPEAL NO. 170166  
FILED MARCH 29, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on December 15, 2016, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of (date of injury), does extend to right knee medial meniscus tear/internal derangement, cervical radiculitis, and herniated nucleus pulposus/protrusion at C5-6 and C6-7; (2) the respondent (claimant) has not reached maximum medical improvement (MMI); and (3) because the claimant has not reached MMI no impairment rating (IR) can be assigned. The appellant (carrier) appeals the hearing officer's determinations of MMI and IR as well as the extent of the compensable injury contending that the disputed determinations are against the great weight and preponderance of the evidence. The appeal file does not contain a response from the claimant.

DECISION

Affirmed as reformed.

The claimant testified that he was injured when a metal part weighing approximately 100 pounds fell from a forklift and struck him in the head. The claimant testified that he was wearing a hard hat but fell to the ground and lost consciousness when he was struck by the metal part. A review of the record reflects that the parties stipulated that the carrier has accepted a (date of injury), compensable injury in the nature of a cervical sprain/strain; concussion with loss of consciousness; bilateral knee contusions; cervicalgia; and post-traumatic concussive headaches. The decision and order mistakenly lists the injury accepted by the carrier as a right knee strain/sprain, right shoulder sprain/strain, and lumbar strain/sprain. We reform stipulation 1.F. to conform the actual stipulation made by the parties at the CCH. We reform stipulation 1.F. to read as follows: [the] [c]arrier has accepted a (date of injury), compensable injury in the nature of a cervical strain/sprain; concussion with loss of consciousness; bilateral knee contusions; cervicalgia; and post-traumatic concussive headaches.

EXTENT OF INJURY

The hearing officer's determination that the compensable injury of (date of injury), extends to right knee medial meniscus tear/internal derangement, cervical radiculitis, and herniated nucleus pulposus/protrusion at C5-6 and C6-7 is supported by sufficient evidence and is affirmed.

**MMI**

The hearing officer's determination that the claimant has not reached MMI is supported by sufficient evidence and is affirmed.

**IR**

The hearing officer's determination that because the claimant has not reached MMI, no IR can be assigned is supported by sufficient evidence and is affirmed.

The true corporate name of the insurance carrier is **LM INSURANCE CORPORATION** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3218.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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K. Eugene Kraft  
Appeals Judge

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Carisa Space-Beam  
Appeals Judge